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Buesing Corporation*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BUESING CORPORATION, an Arizona corporation,

Case No. 2:16-cv-01439-JCM-NJK

Plaintiff,

**STIPULATION AND ORDER TO TRY
MATTER TO THE BENCH**

HELIX ELECTRIC OF NEVADA, LLC,
a Nevada Limited Liability Company, dba
HELIX ELECTRIC,

Defendants.

AND RELATED CLAIMS.

Pursuant to Local Rule IA 6-2 and *Federal Rules of Civil Procedure* Rule 38(d),

Plaintiff/Counter-Defendant Buesing Corporation ("Buesing") and Defendant/Counterclaimant

Helix Electric of Nevada, LLC ("Helix"), through their undersigned counsel of record

(collectively “Parties”), hereby agree and stipulate to the withdrawal of each of the Parties’

previously-filed jury demands so the trial of this matter can be tried to the bench. It is hereby

stipulated:

1. On June 21, 2016, Buesing filed its Demand for Jury Trial (ECF No. 4).

2. On July 13, 2016, Helix filed its Demand for Jury Trial (ECF No. 10).

1 3. The contract governing the Parties' disputes provides for a waiver of a trial by
2 jury by stating:

3 **X. DISPUTE RESOLUTION**

4 ...

5 (6) Trial by Jury. Due to the specialized nature of construction litigation, each
6 party waived the right to trial by jury.

7 4. Both Parties agree to withdraw their respective demand for jury trial.

8 5. Given the Parties' agreement to withdraw all filed jury demands as well as the
9 express jury waiver in the governing contract, the Parties' request that the Court tries this matter
10 as a bench trial.

11 Dated this 6th day of June, 2019.

12 DICKINSON WRIGHT PLLC

13 /s/ Cynthia L. Alexander

14 Cynthia L. Alexander (NV. Bar No. 6718)
15 J. Gregory Cahill (AZ Bar No. 012654)
16 Admitted *Pro Hac Vice*
17 8363 West Sunset Road, Suite 200
18 Las Vegas, Nevada 89113
19 *Attorneys for Plaintiff/Counter-Defendant*
20 *Buesing Corporation*

21 Dated this 6th day of June, 2019.

22 PARKER, NELSON & ASSOCIATES,
23 CHTD.

24 /s/ Shana D. Weir

25 Theodore Parker, III (NV Bar No. 4716)
26 Shana D. Weir (NV Bar No. 9468)
27 2460 Professional Court, Suite 200
28 Las Vegas, Nevada 89128
29 *Attorneys for Defendant/Counterclaimant*
30 *Helix Electric of Nevada, LLC*

31 **ORDER**

32 IT IS SO ORDERED:

33 
34 U.S. DISTRICT COURT JUDGE

35 DATED: June 10, 2019